

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional)
First Named Inventor: <u>Kenneth Austin</u>	Art Unit: <u>2421</u>	
Application Number: <u>09/762,740</u>	Examiner: <u>Dominic D. Saltarelli</u>	
Filed: <u>06/15/2001</u>		
Title: <div style="border: 1px solid black; padding: 5px; min-height: 40px;">                     interactive television control/operating system                 </div>		
Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items:		
(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
<b>1. Petition fee</b> <div style="margin-left: 20px;"> <input type="checkbox"/> Small entity -- fee \$ <u>310</u> (37 CFR 1.17(i)). Applicant claims small entity status.                      See 37 CFR 1.27.  <input checked="" type="checkbox"/> Other than small entity -- fee \$ <u>620</u> (37 CFR 1.17(i))                 </div>		
<b>2. Reply and/or fee</b> <div style="margin-left: 20px;"> <b>A. The reply and/or fee to the above-noted Office action in the form of</b>  <div style="margin-left: 20px;">                         (identify the type of reply):  <input checked="" type="checkbox"/> has been filed previously on <u>June 1, 2012</u>  <input type="checkbox"/> is enclosed herewith.                     </div> </div> <div style="margin-left: 20px; margin-top: 10px;"> <b>B. The issue fee of \$</b> _____  <input type="checkbox"/> has been filed previously on _____  <input type="checkbox"/> is enclosed herewith.                     </div>		

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 152 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA, 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing this form, call 1-800-PTO-9198 and select option 2.

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3. Terminal disclaimer with disclaimer fee:

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*[Signature]* 25/6/12  
 Signature Date  
KEN AUSTIN  
 Typed or printed name  
TARGETING HOUSE, GADSBROOK PARK 01606 812500  
 Address Address  
NORTHWICH, CHESHIRE CW97RA  
 Address Telephone Number

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
 Date Signature  
 \_\_\_\_\_  
 Typed or printed name of person signing certificate

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UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

  
Signature

25/6/12  
Date

KEN AUSTIN

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

This is a petition to revive United States Patent Application No. 09/762,740 under 37 CFR 1.137(a). This petition is accompanied by an adequate showing that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unavoidable. In addition, this petition is accompanied by the requisite petition fee. The required reply was previously filed on June 1, 2012, in the form of continuation application No. 13/486,520. Specifically, as explained by the sole inventor and applicant Kenneth Austin in the attached Declaration, the applicant did not appreciate the fact that by not responding to the Office action of October 20, 2008, the pending application becomes abandoned in the sense that no divisional applications can be filed. Therefore, the entire delay in filing the required reply to the Office action of October 20, 2008, from the due date of the reply until the filing of this petition under 37 CFR 1.137(a), was unavoidable.

(Please attach additional sheets if additional space is needed.)